

## **REMARKS**

**[0002]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-35 are presently pending. Claims 1-6, 12-19, 23-31, and 35 are amended. No claims are withdrawn or canceled and no new claims are added.

### **Statement of Substance of Interview**

**[0003]** Examiner John Walsh graciously talked with me—the undersigned representative for the Applicant—on September 25, 2008. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0004]** During the interview, differences between the Application and the cited art, namely U.S. Patent No. 6,392,664 (“White”), were discussed. Without conceding the propriety of the rejections and in the interest of expediting prosecution, several possible clarifying amendments were proposed.

**[0005]** The Examiner appeared to tentatively agree that the proposed amendments would overcome the 35 U.S.C. §101 rejections and the 35 U.S.C. 112 rejections. The Examiner was also receptive to the proposed clarifying amendments in light of the 35 U.S.C. §102 rejections; however, the Examiner indicated that further clarifying amendments may be necessary. Additionally, the Examiner indicated that he would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

**[0006]** Applicant amends the claims and presents arguments based on the discussion that occurred during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

### **Formal Request for an Additional Interview**

[0007] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an additional interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0008] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

### **Claim Amendments**

[0009] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-6, 12-19, 23-31, and 35. The claim amendments are made to expedite prosecution and more quickly identify allowable subject matter. In addition, the claim amendments are made to clarify claimed features and should not be construed as further limiting the claimed features in response to the cited references.

[0010] The claim amendments are fully supported by the Application and do not include new matter. For example, the claim amendments are supported by at least page 3, line 17 – page 4, line 16; Fig. 2; Fig. 3; and page 9, line 1 – page 12 line 8 of the Application.

## **SUBSTANTIVE MATTERS**

### **Claim Rejections under § 112 2<sup>nd</sup> Paragraph**

[0011] Claim 6 is rejected under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph. Applicant respectfully traverses this rejection. Furthermore, in light of the amendments presented above, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

### **Claim Rejections under § 101**

[0012] Claims 13 and 25-30 are rejected under 35 U.S.C. § 101. Applicant respectfully traverses this rejection. Furthermore, in light of the amendments presented above, Applicant respectfully submits that these claims comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn. Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0013] If the Examiner maintains the rejection of these claims, then Applicant requests additional guidance as to what is necessary to overcome the rejection.

## **Anticipation Rejections**

[0014] Applicant respectfully requests that the Examiner withdraw the anticipation rejections because, for each rejected claim, no single reference discloses each and every element of that rejected claim.<sup>1</sup>

## **Based upon White**

[0015] The Examiner rejects claims 1-10, 13-25 and 27-29 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,392,664 ("White"). Applicant respectfully traverses the rejection of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejections of these claims.

## **Independent Claim 1**

[0016] Applicant submits that the cited portions of White do not disclose or show at least the following elements of claim 1:

- "receiving a request for content associated with a channel at a server, wherein the request is received from a client device"
- "identifying, at the server, service information data associated with the channel in response to receiving the request for content associated with the channel, wherein the service information data is configured to be

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<sup>1</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

used by the client device to tune to the channel, and wherein the service information data is stored in a database coupled to the server”

In contrast to claim 1, the cited portions of White disclose sending data to components of the system periodically, where the data indicates assignment of transmission channels to viewer channels periodically to components of the system. (See White col. 4, ll. 8-11). The cited portions of White do not disclose or show identifying service information data stored in a database coupled to a server in response to receiving a request for content associated with the channel, where the service information data is configured to be used by a client device to tune to a requested channel, as recited in claim 1. Rather, the sending of channel assignment data in the cited portions of White is not performed in response to receiving a request to tune to a particular channel.

**[0017]** Accordingly, claim 1 is allowable because the cited art does not disclose or show each feature of independent claim 1 and Applicant asks the Examiner to withdraw the rejection of this claim.

*Dependent Claims 2-10 and 13*

**[0018]** Dependent claims 2-10 and 13 ultimately depend upon independent claim 1. As explained previously, the cited art does not disclose or show all of the features of claim 1. Thus, the cited art also does not disclose or show all of the features of claims 2-10 and 13. Accordingly, claims 2-10 and 13 are

allowable and Applicant asks the Examiner to withdraw the rejections of these claims.

Independent Claim 14

**[0019]** Applicant submits that the cited portions of White do not disclose or show at least the following elements of claim 14:

- "receiving a request for content associated with a channel at the server from the client device after communicating the current channel map information to the client device"
- "identifying service definition data and network information data associated with the channel at the server in response to receiving the request for content associated with the channel, the service definition data specifying components of the content that are available and the network information data specifies a network address to tune to the channel"

In contrast to claim 14, the cited portions of White disclose sending data periodically to components of a system, where the data indicates assignment of transmission channels to viewer channels. (See White col. 4, ll. 8-11). In addition, the cited portions of White disclose a user switching viewing channels. (See White, col. 3, l. 43). The cited portions of White do not disclose or show identifying service definition data and network information data associated with a channel in response to receiving a request for content associated with the channel after communicating current channel map information to the client

device, where the service definition data specifies components of the content that are available and the network information data specifies a network address to tune to the channel, as recited in claim 14. Rather, the cited portions of White disclose sending channel assignment information to a client device and switching channels, but not sending additional information, such as service definition data and network information data, to the client device after sending the channel assignment data.

**[0020]** Accordingly, claim 14 is allowable because the cited art does not disclose or show each feature of independent claim 14 and Applicant asks the Examiner to withdraw the rejection of this claim.

#### Dependent Claims 15-18

**[0021]** Dependent claims 15-18 ultimately depend upon independent claim 14. As explained previously, the cited art does not disclose or show all of the features of claim 14. Thus, the cited art also does not disclose or show all of the features of claims 15-18. Accordingly, claims 15-18 are allowable and Applicant asks the Examiner to withdraw the rejections of these claims.

#### Independent Claim 19

**[0022]** Applicant submits that the cited portions of White do not disclose or show at least the following elements of claim 19:

- "storing the current channel information at the client device"



- "generating a request for content associated with a particular channel at the client device, wherein the request for content includes data from the current channel information associated with the particular channel"
- "receiving service information data associated with the particular channel at the client device from the video router"
- "tuning to the particular channel at the client device utilizing the current channel information and the service information data, wherein the service information data does not persist at the client device after tuning to the particular channel"
- "receiving user input at the client device to revise the channel map"

In contrast to claim 19, the cited portions of White disclose sending data to components of the system periodically, where the data indicates assignment of transmission channels to viewer channels. (*See* White col. 4, ll. 8-11). The cited portions of White do not disclose or show generating a request for content associated with a particular channel at a client device, receiving service information data associated with the particular channel at the client device from a video router, and tuning to the particular channel at the client device utilizing the service information data where the service information data does not persist at the client device after tuning to the particular channel, as recited in claim 19. In addition, the cited portions of White do not disclose or suggest receiving user input at the client device to revise a channel map, as recited in claim 19. Rather, the cited portions of White disclose that mapping between viewer and transmission channels is determined by the system. (*See* White col. 3, ll. 62-65).

[0023] Accordingly, claim 19 is allowable because the cited art does not disclose or show each feature of independent claim 19 and Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 20-24

[0024] Dependent claims 20-24 ultimately depend upon independent claim 19. As explained previously, the cited art does not disclose or show all of the features of claim 19. Thus, the cited art also does not disclose or show all of the features of claims 20-24. Accordingly, claims 20-24 are allowable and Applicant asks the Examiner to withdraw the rejections of these claims.

Independent Claim 25

[0025] Applicant submits that the cited portions of White do not disclose or show at least the following elements of claim 25:

- "send first service information data from a remote database to the first client device in response to receiving the request for content from the first client device, the first service information data configured to be used by the first client device to tune to the specific channel according to the first transport type"
- "send second service information data from a remote database to the second client device in response to receiving the request for content from the second client device, the second service information data

configured to be used by the second client device to tune to the specific channel according to the second transport type”

In contrast to claim 25, the cited portions of White disclose sending data to components of the system periodically, where the data indicates assignment of transmission channels to viewer channels. (*See* White col. 4, ll. 8-11). The cited portions of White do not disclose or show sending first service information data from a remote database to a first client device in response to receiving a request for content from the first client device, where the first service information data is configured to be used by the first client device to tune to a specific channel according to a first transport type and sending second service information data to the second client device in response to receiving the request for content from the second client device, where the second service information data is configured to be used by the second client device to tune to the specific channel according to the second transport type, as recited in claim 25. Rather, the channel assignment data of the cited portions of White is not sent in response to receiving a request for content from a client device.

**[0026]** Accordingly, claim 25 is allowable because the cited art does not disclose or show each feature of independent claim 25 and Applicant asks the Examiner to withdraw the rejection of this claim.

### Dependent Claims 27-29

**[0027]** Dependent claims 27-29 ultimately depend upon independent claim 25. As explained previously, the cited art does not disclose or show all of the features of claim 25. Thus, the cited art also does not disclose or show all of the features of claims 27-29. Accordingly, claims 27-29 are allowable and Applicant asks the Examiner to withdraw the rejections of these claims.

### Based upon Russ

**[0028]** The Examiner rejects claims 31-35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0060063 ("Russ"). Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejections of these claims.

### Independent Claim 31

**[0029]** Applicant submits that the cited portions of Russ do not disclose or show at least the following elements of claim 31:

- "a video router coupled to the service information server, the video router to:  
receive requests to tune a particular video channel from multiple client devices;

request respective service information data from the service information server each time that a request to tune to the particular video channel is received at the video router, wherein at least a portion of the respective service information data is configured to be used by a client device requesting the particular video channel to tune to the particular video channel; and

determine how to provide the particular video channel to each requesting client device based on the respective service information data.”

In contrast to claim 31, the cited portions of Russ disclose a head-end device providing program guide information to a client device. (*See* Russ, paragraphs [0056] and [0058]). In addition, the cited portions of Russ disclose a client device tuning to media content. (*See* Russ, paragraph [0061]). The cited portions of Russ do not disclose or show a video router to request respective service information data from a service information server each time that a request to tune to a particular video channel is received at a video router from each client device of multiple client devices, where at least a portion of the service information data is configured to be used by a client device requesting the particular video channel to tune to the particular video channel, as recited in claim 31. Rather, the program guide information of the cited portions of Russ is not sent to a respective client device each time a request to tune to a particular channel is received from the respective client device.

**[0030]** Accordingly, claim 31 is allowable because the cited art does not disclose or show each feature of independent claim 31 and Applicant asks the Examiner to withdraw the rejection of this claim.

*Dependent Claims 32-35*

**[0031]** Dependent claims 32-35 ultimately depend upon independent claim 31. As explained previously, the cited art does not disclose or show all of the features of claim 31. Thus, the cited art also does not disclose or show all of the features of claims 32-35. Accordingly, claims 32-35 are allowable and Applicant asks the Examiner to withdraw the rejections of these claims.

## **Obviousness Rejections**

### **Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)**

[0032] The arguments presented below point to various aspects of the record to demonstrate that all of the criteria set forth for making a *prima facie* case of obviousness with respect to claims 11-12, 26, and 30 have not been met. For example, Applicant respectfully submits that the cited art does not teach or suggest all of the features of claims 11-12, 26, and 30.

### **Based upon White and Monteiro**

[0033] The Examiner rejects claims 11 and 26 under 35 U.S.C. § 103(a) as being unpatentable over White in view of U.S. Patent No. 6,119,163 ("Monteiro"). Applicant respectfully traverses the rejections of these claims and asks the Examiner to withdraw the rejections of these claims.

### **Dependent Claim 11**

[0034] Claim 11 depends from claim 1, which Applicant has shown to be allowable over the cited portions of White. As explained previously, the cited portions of White do not teach or suggest identifying service information data stored in a database coupled to a server in response to receiving a request for content associated with the channel, where the service information data is configured to be used by a client device to tune to a requested channel, as recited in claim 1.

**[0035]** With respect to claim 11 in view of Monteiro, page 7 of the Office Action states:

"White et al. '664 do not explicitly disclose a multicast address associated with the content.

Monteiro et al. '163 teach multicast address (col. 1, lines 36-50)."

However, the cited portions of Monteiro do not teach or suggest identifying service information data stored in a database coupled to a server in response to receiving a request for content associated with the channel, where the service information data is configured to be used by a client device to tune to a requested channel, as recited in claim 1.

**[0036]** Since the cited art does not teach or suggest each feature of independent claim 1, the cited art also does not teach or suggest each feature of claim 11. Accordingly, claim 11 is allowable and Applicant asks the Examiner to withdraw the rejection of this claim.

*Dependent Claim 26*

**[0037]** Claim 26 depends from claim 25, which Applicant has shown to be allowable over the cited portions of White. As explained previously, the cited portions of White do not teach or suggest sending first service information data from a remote database to a first client device in response to receiving a request for content from the first client device, where the first service information data is configured to be used by the first client device to tune to a specific channel



according to a first transport type and sending second service information data to the second client device in response to receiving the request for content from the second client device, where the second service information data is configured to be used by the second client device to tune to the specific channel according to the second transport type, as recited in claim 25.

**[0038]** With respect to claim 26 in view of Monteiro, page 7 of the Office Action states:

"White et al. '664 do not explicitly disclose a multicast address associated with the content.

Monteiro et al. '163 teach multicast address (col. 1, lines 36-50)."

However, the cited portions of Monteiro do not teach or suggest sending first service information data from a remote database to a first client device in response to receiving a request for content from the first client device, where the first service information data is configured to be used by the first client device to tune to a specific channel according to a first transport type and sending second service information data to the second client device in response to receiving the request for content from the second client device, where the second service information data is configured to be used by the second client device to tune to the specific channel according to the second transport type, as recited in claim 25.

**[0039]** Since the cited art does not teach or suggest each feature of independent claim 25, the cited art also does not teach or suggest each feature

of claim 26. Accordingly, claim 26 is allowable and Applicant asks the Examiner to withdraw the rejection of this claim.

**Based upon White and Ramaley**

**[0040]** The Examiner rejects claims 12 and 30 under 35 U.S.C. § 103(a) as being unpatentable over White in view of U.S. Patent No. 7,089,309 ("Ramaley"). Applicant respectfully traverses the rejections of these claims and asks the Examiner to withdraw the rejections of these claims.

**Dependent Claim 12**

**[0041]** Claim 12 depends from claim 1, which Applicant has shown to be allowable over the cited portions of White. As explained previously, the cited portions of White do not teach or suggest identifying service information data stored in a database coupled to a server in response to receiving a request for content associated with the channel, where the service information data is configured to be used by a client device to tune to a requested channel, as recited in claim 1.

**[0042]** With respect to claim 12 in view of Ramaley, page 8 of the Office Action states:

"White et al. '664 do not explicitly disclose identifying content formats supported by the client device and the requested data in a Windows Media technologies player format.

Ramaley et al. '309 teach identifying content formats supported by the client device (abstract-delivery settings) and Windows Media format (col. 1, line 64)."

However, the cited portions of Ramaley do not teach or suggest identifying service information data stored in a database coupled to a server in response to receiving a request for content associated with the channel, where the service information data is configured to be used by a client device to tune to a requested channel, as recited in claim 1.

**[0043]** Since the cited art does not teach or suggest each feature of independent claim 1, the cited art also does not teach or suggest each feature of claim 12. Accordingly, claim 12 is allowable and Applicant asks the Examiner to withdraw the rejection of this claim.

*Dependent Claim 30*

**[0044]** Claim 30 depends from claim 25, which Applicant has shown to be allowable over the cited portions of White. As explained previously, the cited portions of White do not teach or suggest sending first service information data from a remote database to a first client device in response to receiving a request for content from the first client device, where the first service information data is configured to be used by the first client device to tune to a specific channel according to a first transport type and sending second service information data to the second client device in response to receiving the request for content from

the second client device, where the second service information data is configured to be used by the second client device to tune to the specific channel according to the second transport type, as recited in claim 25.

**[0045]** With respect to claim 30 in view of Ramaley, page 8 of the Office Action states:

"White et al. '664 do not explicitly disclose identifying content formats supported by the client device and the requested data in a Windows Media technologies player format.

Ramaley et al. '309 teach identifying content formats supported by the client device (abstract-delivery settings) and Windows Media format (col. 1, line 64)."Monteiro et al. '163 teach multicast address (col. 1, lines 36-50)."

However, the cited portions of Ramaley do not teach or suggest sending first service information data from a remote database to a first client device in response to receiving a request for content from the first client device, where the first service information data is configured to be used by the first client device to tune to a specific channel according to a first transport type and sending second service information data to the second client device in response to receiving the request for content from the second client device, where the second service information data is configured to be used by the second client device to tune to the specific channel according to the second transport type, as recited in claim 25.

**[0046]** Since the cited art does not teach or suggest each feature of independent claim 25, the cited art also does not teach or suggest each feature of claim 30. Accordingly, claim 30 is allowable and Applicant asks the Examiner to withdraw the rejection of this claim.

## **Conclusion**

[0047] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

/Trevor E. Lind/ \_\_\_\_\_ Dated: September 26, 2008

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